

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

HENRY J. BUNCH

PLAINTIFF

v.

Civil No. 06-5220

ROBERT ALLEN RILEY,
Fayetteville Police Department;
JEREMY B. GRAMMAR, Fayetteville
Police Department; CHRISTOPHER D.
MOAD, Fayetteville Police Department;
DEREK F. KRAUSE, Fayetteville Police
Department; and JANET E. MACRI,
Fayetteville Police Department

DEFENDANTS

ORDER

Now on this 1st day of May, 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (R&R) issued by the Honorable James Marschewski, United States Magistrate Judge for the Western District of Arkansas (Doc. 71). The Court, being well and sufficiently advised, finds and orders as follows with respect to the same:

1. The plaintiff filed objections (Doc. # 73) the R&R. They are without merit and are denied.

2. The Court, having considered the R&R, and the objections, finds and orders that the R&R should be, and it hereby is **adopted in toto**.

IT IS, THEREFORE, ORDERED that the evidence presented is insufficient to support a finding that defendants used excessive

force against the plaintiff. The complaint is **dismissed with prejudice.**

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE